

### ***Remarks***

Reconsideration of this Application is respectfully requested. Claims 1-20 are pending in the application, with claims 1, 8 and 15 being the independent claims. Based on the amendments above and the following Remarks, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections.

### ***Interview Summary***

Applicants appreciate the courtesies extended by the Examiner during the personal interview conducted on January 6, 2005. During the interview independent claims 1, 8 and 15 were discussed with respect to the cited references. Applicants proposed amending claim 1 to more clearly define the location of the coupling of the resilient member with respect to the apex of the frame. Applicants also proposed amending claim 8 to more clearly define the configuration of the various frame members. The Examiner agreed that the proposed amendments appeared to read over the cited references. Agreement was not reached with respect to claim 15. The Examiner noted that further consideration of the claims may be required.

### ***Rejections Under 35 U.S.C. 102(b)***

Claims 1-4, 7 and 15-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,948,120 to Krueger et al. ("the Krueger patent"). Claim 8 stands rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 1,806,454 to Goudeau ("the Goudeau patent").

The Krueger patent discloses a baby carrier that is supported by an A-frame configuration having a crossbar that connects the apices of the two A-frame portions.

The carrier is supported from the crossbar by springs. The legs of the frame are pivotally coupled to a ground engaging portion. The height of the frame is adjustable by sliding a lower portion of the frame within an upper portion of the frame.

#### Independent Claim 1

As discussed during the interview, the Krueger patent fails to disclose or suggest “a first resilient member having a first end coupled to at least one of said first leg and said second leg of said first frame portion substantially spaced beneath said apex of said first frame portion and an opposite, second end; [and] a second resilient member having a first end coupled to at least one of said first leg and said second leg of said second frame portion substantially spaced beneath said apex of said second frame portion and an opposite, second end” as recited in independent claim 1. The springs of the device in the Krueger patent are coupled laterally adjacent to the apex of each of the A-Frame portions, but not beneath the apex as recited in independent claim 1. For at least this reason, independent claim 1 is allowable over the Krueger patent. Based at least on their dependence upon independent claim 1, dependent claims 2-4 and 7 are also allowable.

#### Independent Claim 15

The Krueger patent fails to disclose “a first front leg having a first portion, a second portion and a ground engaging portion, the first portion being pivotally coupled to the second portion, [and] a second front leg having a first portion, a second portion and a ground engaging portion, the first portion being pivotally coupled to the second portion” as recited in independent claim 15. The portions of the leg of the device disclosed in the Krueger patent are not pivotally coupled. At best, the lower portion of the leg of the device of the Krueger patent is pivotally coupled to the ground engaging

portion. No two portions of any leg of the device of the Krueger patent are pivotably coupled. For at least this reason, independent claim 15 is allowable. Based at least on their dependence upon independent claim 15, dependent claims 16-20 are also allowable.

#### Independent Claim 8

The Goudeau patent discloses a collapsible support for a baby swing. The legs of the support frame can be collapsed by sliding a locking plate out of engagement with the legs and folding the legs. As discussed during the interview, the Goudeau patent fails to disclose or suggest “a connector configured to receive at least a portion of said first frame member and at least a portion of said second frame member, at least one of said first frame member and said second frame member being axially slidably coupled to said connector, the first frame member thereby being slidably coupled with respect to said second frame member” as recited in claim 8. For at least this reason, claim 8 is allowable over the Goudeau patent.

#### ***Rejections Under 35 U.S.C. 103(a)***

Claims 5 and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Krueger patent in view of U.S. Patent No. 3,765,674 to Siler (“the Siler patent”). Based at least on their dependence upon independent claim 1, which is allowable for the reasons discussed above, dependent claims 5 and 6 are also allowable.

#### ***Allowable Subject Matter***

Applicants appreciate the Examiner’s indication of allowable subject matter in the application.

### *Conclusion*

All of the stated grounds of rejection have been properly traversed or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.


Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

COOLEY GODWARD LLP

Date: January 21, 2005

By:



Erik B. Milch

Reg. No. 42,887

COOLEY GODWARD LLP  
11951 Freedom Drive  
Reston Town Center  
Reston, Virginia 20190-5656  
(703) 456-8000 – Phone  
(703) 456-8100 – Facsimile